

Kashmiri Refugees: Facts, Issues and the Future Ahead

*Khalid Rahman and Ershad Mahmud**

Abstract

[The last 16 years have witnessed continuous pouring of Kashimiris into different parts of Azad Kashmir. The suppression, gross human rights violations and relentless atrocities in Indian Held Kashmir (IHK) leave little choice for them but to seek refuge across the line of control (LoC). Unprecedented number and wild attitude of the Indian occupational forces point to a vicious mission. The accomplishment seems to be heavily dependent on the successful outcome of either thorough subjugation or mass displacement of people. The latter seems to be working. These displaced from the war torn region, IHK, are faced with too many problems. Ironically they can neither expect to be treated as immigrants in the real sense of the term nor can they be taken as formal refugees. For all practical purposes, they are forced to find a new sanctuary in the same territory, though disputed and superficially demarcated, called Kashmir. This article, in this backdrop, uses the term refugee to describe the individuals and families who have moved across the line of control and now living in designated camps in Azad Kashmir.

Coming from an already deprived region, these refugees are going through tremendous hardship. The assistance provided to them merely suffices for their day to day survival. The international agencies such as UNHCR, known for taking care of displaced world over, are non-existent here. The other non governmental organizations are also not showing any interest in providing relief and sustainable assistance to improve their living standard or the quality of life. The piece discusses in detail the background of migration and the current state of affairs. It sheds light on legal and constitutional context and refugees' right to return to their hometowns. The study also brings in to focus the plight of refugees and their crucial economical, social, educational and health related issues. It also discusses the government's limitations and lack of seriousness towards addressing their problems whole heartedly. In the end, the paper offers plausible measures for dealing with their problems and points to a concrete yet long-term strategy for their rehabilitation as an imperative. *Editor]*

* Khalid Rahman is Director General and Ershad Mahmud specializes in Kashmir conflict and India-Pakistan relations at the Institute of Policy Studies.

Introduction*

The human rights violations in Indian-held Jammu and Kashmir and the Kashmiris' unprecedented struggle have been the subject of, literally, hundreds of books and thousands of articles; abundant information is available on every aspect. Surprisingly, however, the migration that began from the State in the 1990s and the difficulties faced by the refugees who arrived in Azad Jammu and Kashmir (AJK) have rarely been a topic of discussion. When the reasons for this are explored, it becomes apparent that the majority of refugees hail from a very backward segment of the Jammu and Kashmir population, most of them living below the poverty line. They neither found appropriate leadership, nor included many educated individuals. As a result, even after their arrival in Azad Kashmir, they were unable to emerge as a collective voice. The local leadership was also unable to pay due attention to their problems.

During the last 15 years (1990–2005), there has been migration from more or less all points along the 750-kilometer Line of Control (LoC). Although the extent of migration varies from area to area, the presence of refugee camps in most districts of Azad Kashmir bears testimony to the fact that suppression on the other side of the LoC has grown consistently.

Although the Government of Pakistan/AJK provides regular assistance to refugee families to meet their day-to-day needs, it is considerably insufficient for the dispossessed families. A few non-governmental organizations (NGOs) are also actively supporting the refugees but their roles are limited and their resources even more so.

International institutions, particularly the United Nations High Commission for Refugees (UNHCR), have provided considerable support for the rehabilitation of displaced families and individuals the world over; Kashmiri refugees have, however, remained deprived of their help. While the indifference of the international agencies is also an issue, lack of the Government interest in involving these agencies is equally regrettable. No efforts have been made to seek assistance from foreign governments and NGOs either.

Meanwhile, refugees continue to arrive and settle at camps, indicating that decisions need to be made to pave the way for long-term and concrete planning for their rehabilitation and proper settlement.

The objective of this paper is to study the current situation and the problems facing the refugees in order to facilitate an understanding of the

* This study was initiated in 2001 and written before the October 8, 2005 earthquake. Initial reports after the earthquake suggest that although proportionally less damage occurred among refugees, 346 of them died and 1,456 of their houses were completely razed. Some of the statistics given in this paper therefore stand changed in the post-earthquake context. However, the analysis of the issue remains pertinent.

Kashmiri Refugees: Facts, Issues and the Future Ahead

issue in its proper perspective, and to suggest practical steps for the refugees' relief and rehabilitation, keeping in view their cultural, religious and political background and aspirations.

Kashmiris' Migration – A Brief Review

1947–48

Migration started from the State of Jammu and Kashmir during 1947–48 against the backdrop of the partition of British India and its aftermath. According to the Subcontinent's Partition Agenda, agreed to by all the three concerned parties of the time, namely the Raj, All Indian National Congress and the All India Muslim League, this Muslim-majority State, spreading over 84,471 square miles, should have been made part of Pakistan. Unfortunately, however, the Congress leadership, British Viceroy Lord Louis Mountbatten (1900–1979) and the Hindu Maharaja of the State, Hari Singh (1895 –1961), flouted the Partition Plan as well as majority public opinion of the State, and maneuvered a forced annexation of Jammu and Kashmir with India.¹

Hari Singh and the Congress leadership knew that the majority of the State's populace was inclined to link its future with Pakistan; the Maharaja's own preference, however, was that the State should remain independent or accede to India. Sensing the Maharaja's intentions, the State's Muslim majority started organizing resistance forces in the border districts, particularly in Poonch. In order to maintain his stranglehold, the Maharaja initiated systematic tyranny and torture against the resistance movement. His aim was to spread fear and panic, not only to deter people from resisting his forces, but also to compel them into an exodus to Pakistan so that the demographic hurdle of the State's Muslim majority could be removed altogether.² The Maharaja invited the Rashtriya Sevak Singh (RSS), and the organized Sikh groups of extremists from East Punjab.³ These circumstances compelled a large number of the local Muslims to migrate to Pakistan. According to the official figures, they currently make up around 1.5 million in Pakistan's population alone.⁴

1965 and 1971

The next large-scale migration from Jammu and Kashmir took place during and after the 1965 war between India and Pakistan. During this war, the sympathies of the majority of the Kashmiris lay naturally with Pakistan. The inhabitants of the border districts of Poonch, Rajouri, Kapwara and Baramula provided considerable assistance to the Pakistani forces. As the war ended – yielding no conclusive results – the Indian army started a reign of terror against the Muslims in those areas. Numerous families and, in some cases, entire neighborhoods were wiped out. As a result, large-

¹ Josef Korbel, *Danger in Kashmir* (Karachi: Oxford University Press), pp. 73–96.

² Alastair Lamb, *Birth of a Tragedy: Kashmir, 1947* (Hertfordshire: Roxford Book, 1994), pp. 69–72

³ *Ibid.*

⁴ Department of Rehabilitation and Relief, Unpublished records, Muzaffarabad: Government of AJK

scale migration occurred from the border districts, especially from Rajori and Poonch. According to statistics of the AJK Government's Department of Rehabilitation and Relief, around 10,000 families, including approximately 40,000 people, migrated during this period. The AJK Government resettled these refugees in Chhump (1,771 families) and Jhang (7,969 families).⁵

The third wave of migration took place during the 1971 India-Pakistan war. Since the main war occurred in East Pakistan, few families in Indian-held Kashmir were directly affected while the conflict took place. Afterwards, however, as the war had resulted in the loss of East Pakistan, India was bolder in its brutality towards Kashmiri Muslims. An estimated 10,000 people from border districts entered into Azad Kashmir and, on this occasion, were resettled locally.⁶

The Recent Arrivals (1990–Present)

The current wave of migration began in 1990 and continues even today. Since it is a current problem, its causes and nature are discussed here in some detail.

Kashmiri Resistance: During the State Elections of 1987, the administration of Indian-held Jammu and Kashmir displayed blatant deceit and arbitrariness, dashing all the hopes that the Kashmiri Muslim youth had entertained from the political process.

A number of regional developments also affected Kashmiris. They were deeply moved by the revolution in Iran (February 1979) and by the armed resistance against the Soviet Union in Afghanistan (1979-1990), which played an important role in turning their restlessness against Indian rule into a revolt and resistance. Important international changes also took place: the Berlin Wall fell, and many countries attained freedom following the Soviet Union's collapse.

The changes had a special impact on Kashmiris, especially on the youth.⁷ They motivated Kashmiris towards militancy. "Resistance", "Jihad" and "Hatred of India" became popular slogans and resistance began taking shape in the form of various organizations. Some of these became the platforms from which the Kashmiri youth initiated an armed struggle.⁸

The Indian Strategy against the Uprising: Following their failure to quell the youth, the Indian forces changed their strategy and started committing atrocities against civilians, including women and children. This approach continues even today. In this situation, there is an obvious desire among Kashmiris to escape. The prevailing circumstances, however, make it difficult for them to leave their homes and migrate: the LoC is strictly

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Alastair Lamb, *Kashmir: A Disputed Legacy 1846-1990* (Roxford, 1991) p. 323.

⁸ "Kashmir Under Siege," *Human Rights Watch* (New York: May 1991), p.20.

Kashmiri Refugees: Facts, Issues and the Future Ahead

monitored by the Indian forces; an extensive intelligence network exists, and miles of army bunkers make it almost impossible to pass without being noticed. Nevertheless, owing to the brutality of the Indian forces, migration to Azad Kashmir has continued.

The plight of the people in districts bordering the LoC – Baramula, Kapwara, Tehsil Uri, Karna and Poonch – is especially pitiable. This is why a large portion of refugees hails from these areas. Indian forces commit more heinous atrocities in these areas because they think that the local public assists and guides the freedom fighters in crossing the LoC and bringing in arms and ammunition from Azad Kashmir. The occupation forces also feel that the locals conduct espionage for Pakistan.⁹

Another reason for the extraordinary oppression in the bordering districts is to force the people to leave and cross over into Azad Kashmir. This would serve two purposes for India: firstly, it would get rid of a significant segment of the local population that stands for freedom and sides with Pakistan; and secondly, it would contribute in facilitating the age-old Indian design to steadily expel the Muslims from the area until they are no longer a majority.¹⁰

As part of this special strategy for Kashmir's border areas, the Indian Government introduced a "Pass Law" to control the people's movement. Under the garb of this law, Indian Army officials break into the local people's houses any time they please and, on the pretext of checking "Passes," separate the menfolk from the women. Such occasions commonly entail sexual abuse, theft, torture and maltreatment by the officials. The Indian forces similarly use the "Six Month License" – commonly referred to as "special powers" – to arrest people for investigation without citing any reasons. Sometimes, when the six-month arrest period expires, an individual is released for a few minutes before being taken into custody for another six months.¹¹ Since the security forces have legal powers for this, even superior courts are unable to assist innocent civilians.¹²

The district of Kapwara is a special target of the security forces' brutality. It is believed by the Indian agencies that it plays a key role in the militant movement, and has, therefore, been subjected to the worst kind of restrictions and punishments. Kapwara's residents have to obtain a permit from the District Magistrate before they can travel to another area. A formal application is submitted for this purpose, stating the purpose of the visit and the date of return. The magistrate sends the application to the

⁹ Interview: Sardar Naeem Ahmad Shiraz, 2 May 2001. A Deputy Commissioner of district Bagh, Mr. Shiraz established camps in his district for the initial rehabilitation of refugees in 1990.

¹⁰ The then Chief of the Indian Army, Major General P.P.S. Bhandara admitted in an interview with BBC on 29 June 2000 that removing the settlements close to the LoC is part of the Indian Army's strategy. Available: <http://www.klc.org.pk/klc/news/june 29.8 html> June 29, 2000. Viewed on 11 August 2001.

¹¹ Jammu and Kashmir Council for Human Rights, *Enforced Disappearances in Indian Occupied Kashmir* (London: February 1994), p. 63. Available: <http://www.jkchr.com>.

¹² web.amnesty.org/library/Index. Viewed on 1 October 2005

local Superintendent Police (SP) and permission is granted only if the SP has no objection. This process normally takes two weeks. Likewise, if a person wishes to visit Kapwara, the purpose and duration of the visit needs to be explained to the army, police and other sensitive agencies of the held State.¹³

These are some of the ways in which Indian forces have made life unlivable in the areas bordering LoC. Given no respite, the hapless people started secretly migrating from the area into Azad Kashmir.¹⁴

The Refugees' views: It was natural for the oppressed people to have sympathies with the freedom fighters, who, in fact, represented for most of them the only glimmer of hope.¹⁵ They paid a heavy price for their support.

A number of refugees who were interviewed narrated horrifying tales of the atrocities they faced. Their homes were searched night and day and the night curfew was clamped immediately after sunset.¹⁶ Often, soldiers arrived at midnight looking for the freedom fighters and when the refugees denied having any knowledge of their whereabouts, they were beaten and tortured. The soldiers forced the local people into hard labor. They made them collect firewood and carry it to their posts high up in the mountains. They were used to transport army goods that arrived from Srinagar and Jammu to military camps.¹⁷ When the weary men returned to their homes in the evening, they found soldiers waiting for them to escort them to check-posts, where they spent the night in the lock-up. In the meantime, their womenfolk remained at the mercy of Indian security forces.¹⁸

Sometimes women were raped in front of their family members.¹⁹ Life was made impossible for the family and relatives of any person believed to be participating in the freedom struggle. The houses of these so-called "insurgents" were torched so that their families were left without a roof over their heads.²⁰

Steady streams of reports of rape and torture by Indian forces in neighboring villages compelled many people to shift their families to safety

¹³ *The News* (Rawalpindi/Islamabad: 8 September 2001).

¹⁴ Interview: Mustafa, Chaudhry Ghulam, former Commissioner Development of Rehabilitation and Relief Government of AJK (Muzaffarabad: 18 May 2001).

¹⁵ Interview: Syed Yousuf Naseem, APHC Leader based in Rawalpindi (Rawalpindi: 10 May 2002).

¹⁶ Interview: Raja Izhar, President Kamsar Camp (Muzaffarabad: 7 May 2001).

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Many human rights organizations have published reports of the Indian Army's atrocities against Kashmiri women. One example is *Rape in Kashmir: A Crime of War*, published by Asia Watch on May 9, 1993, which stated that the Indian Army mistreats women to undermine the morale of pro-freedom people.

²⁰ Interviews at the Mank Pehyan, Kamsar and Amboor Refugee Camps (Muzaffarabad: May 17-18, 2001).

Kashmiri Refugees: Facts, Issues and the Future Ahead

in AJK.²¹ In Muzafarabad's Kamsar Camp, the head of a family reported that his five sons were tortured almost daily by Indian forces. They migrated to escape this situation. When asked why they did not move to Srinagar or Jammu, the general response was that the treatment of Kashmiris by the Indian forces in those areas was more or less the same and they had, therefore, no alternative but to migrate to Azad Kashmir.²²

Whenever the Indian security forces discovered any link whatsoever of households in the bordering areas with freedom fighters, they responded with pure brutality, and the families had no option but to run for their lives and somehow make it to AJK. At times, they crossed into Azad Kashmir even as they sensed danger from Border Security Force (BSF).

Some refugees had also migrated because they had feared that Pakistan might attack to liberate Kashmir and, unless they moved to a safer location, they would get killed in the crossfire or tortured by the Indian forces.²³ There were some who had migrated thinking that Kashmir would be liberated within a few weeks and they would then return to their homeland. Fifteen years later, they find themselves clueless about when they will be in a position to return.²⁴

The Constitutional and Legal Position of Refugees

Although refugees who arrived during and after 1947 have formally settled in different parts of Azad Kashmir and Pakistan and are actively involved in the local social and civil life, the question of their constitutional and legal status is not yet settled. In order to understand this issue, it is helpful to consider the relevant parts of UN resolutions on Kashmir and the existing laws in Indian-held Jammu and Kashmir.

UN Resolutions

The essence of UN Security Council resolutions is the reaffirmation of the Kashmiris' right of self-determination. The basic agreement reached for a permanent solution was that the people of Kashmir should decide through a plebiscite whether they wished to join India or Pakistan. Since a significantly large portion of Kashmiri people had to leave their homeland and take refuge in Pakistan, the initial Resolution passed on April 21, 1948 clearly stated that:

...The Government of India should ensure that the Government of the State releases all political prisoners and takes all possible steps so that:

²¹ *Ibid.*

²² *Op. cit.*, Interview: Syed Yousuf Naseem.

²³ *Ibid.*

²⁴ *Ibid.*

(a) all citizens of the State who have left it on account of disturbances are invited and are free to return to their homes and to exercise their rights as such citizens;...²⁵

The Resolution of January 5, 1949 also spoke about ensuring the return of the refugees. It stated:

"...All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan..."²⁶

Responding to the Indian allegations at the UN Security Council in January 1948 that Pakistan was committing interference in Jammu and Kashmir, Pakistan's Foreign Minister, Sir Mohammad Zafarullah Khan (1893–1958), stated Pakistan's position and demanded:

"...The refugees who had left for Pakistan because of the unbearable atrocities of the Dogra and Indian army should be allowed to return to the State..."²⁷

In fact, in both UN Security Council Resolutions, the provisions that gave the refugees the right to return to their homeland and to play a role in deciding its future were based on this demand from Pakistan. These Resolutions establish that all refugees who have left Indian-held Jammu and Kashmir for Azad Kashmir or Pakistan since 1947 are in fact citizens of the Indian-held State and have the right to exercise their option in the UN-sponsored plebiscite.

The Right to Return: The State Laws

In 1980, the Indian Government pressured the State Government of Jammu and Kashmir to accord state citizenship to the displaced persons from Pakistan.²⁸ The Chief Minister of Jammu and Kashmir, Sheikh Mohammad Abdullah (1905–1982), refused to accept this demand, stating that conferment of State citizenship was the prerogative of the State Government, not Delhi. Despite his stand, great pressure remained on

²⁵ K. Sarwar Hosan, *Documents on the Foreign Relations of Pakistan: The Kashmir Question* (Karachi: Pakistan Institute of International Affairs, 1966) p. 163.

²⁶ *Ibid.*, p. 212

²⁷ *Ibid.*, p. 144

²⁸ Masood Hussain, "Apex Court Decision on Resettlement Bill Symbolic Impact", *Kashmir Times*, (Jammu: November 17, 2000). There are two types of refugees: those who migrated from parts of Poonch, Mirpur, Bagh and Muzzaffarabad areas of Azad Kashmir, and those who came from other areas that are now part of Pakistan. The former are called Displaced Persons (DPs) and the latter are 'Sharnarthis' (refugees). While the DPs are state subjects, the 'Sharnarthis' have not yet been granted this right.

Kashmiri Refugees: Facts, Issues and the Future Ahead

Sheikh Abdullah's administration. In response, Sheikh Abdullah raised a question: If the newcomers were state citizens, what of the State citizens who had migrated during or after 1947 to Pakistan or another country, or who were settled in 'other part' of the State, Azad Jammu and Kashmir? He took the position of according these State subjects the right to return. Against this backdrop, a "Re-establishment Bill" was presented in the State Assembly on March 8, 1980, and was passed in April 1982, after Farooq Abdullah came to power, as "The Jammu and Kashmir Grant of Permit of Re-settlement in the State Act 1982."²⁹ However, the Indian President at the time, Giani Zail Singh (1916–1994), referred the Act to the Supreme Court of India for its opinion on whether it was in conflict with the constitution.³⁰

Some 19 years later, on November 6, 2001, the Supreme Court of India returned the Bill without any decision, declaring that in this manner, the Bill that had been passed by the State Assembly had automatically become law. The Court respected the fact that the Bill had become an Act since 1982.³¹ But on February 1, 2002, after hearing a writ petition lodged by the Jammu and Kashmir Panther Party, the Supreme Court of India issued an injunction against implementation of the Act until further orders. To all appearances, the issue had once again been consigned to cold storage.³²

Notwithstanding these events, even today, the general view among Kashmiri refugees is that they will return to their ancestral homes after the Kashmir issue has been resolved. Under another law passed in Indian-held Jammu and Kashmir – the Evacuees Act of 1949 – refugees' assets have been taken under protection and are only allotted on lease (although in some cases the duration of lease is 40, 50 or 90 years). The Government does not give complete ownership to anyone so that the assets can be returned to the real owners whenever they return.³³

Status, Organization and Living Arrangements in Azad Kashmir

Individuals and families migrating from Indian-held Kashmir have been officially accommodated by the Government of Azad Kashmir at camps in various areas. Once they are registered, the refugees are also provided regular assistance for monthly expenses. There are now 15 such camps, housing 24,574 refugees.³⁴

²⁹ Institute of Regional Studies, *Re-settlement Bill 1982* (Islamabad: IRS, 1983), p. 12

³⁰ Shujaat Bukhari, *J&K Govt. wins legal battle on resettlement bill*. Available: <http://hinduonnet.com/stories/0216000m.htm>. Viewed on December 23, 2004.

³¹ *Ibid.*

³² "J&K Resettlement Act Stayed," *The Hindu*, February 2, 2002. Available: <http://cgi.rediff.com/cgi-programs/print/printpage.cgi>

³³ Interviews: Vid Bhasin, Editor, *Kashmir Times* (Jammu: June 13, 2001); Saadullah Tanatray, President, Jammu and Kashmir Freedom Party (Srinagar: 8 June 2001)

³⁴ Information provided by Department of Rehabilitation and Relief (Muzaffarabad: May 18, 2001)

The initial period of migration, from 1990 to 1994, was one of great discomfort for refugees. During these years, no formal camps existed and the Government housed them at scattered official or rented locations. For accommodation, they were given tents, which did not have enough provisions for privacy or for protection against the weather. In the rainy season, their homes stood on pools of water and the few goods they had were ruined. Diseases spread fast. The personal and marital lives of many families were badly affected.³⁵

In 1994, it was agreed between the Azad Kashmir Department of Rehabilitation and the Government of Pakistan that the tented settlements would be replaced with proper huts. The administration provided iron sheets, cheap timber and land. The rest of the work was done by refugees on a self-help basis, although, on a few occasions, some NGOs also provided assistance in construction. In this manner, each family managed to construct some rooms, temporary or permanent, for itself.³⁶

A number of political organizations participated in the provision of health and educational facilities and construction of mosques at the camps, in particular, the Jamaat-e-Islami, which was directly involved. Individuals affiliated with the organization also demonstrated their interest independently. Schools, mosques and health units were established. At present, not a single family residing in a camp lives in a tent. Moreover, in January 2002, the AJK Government established a special camp for refugees that is equipped with basic facilities and located 15 kilometers outside Muzaffarabad at Busnara. The Rehabilitation Department allotted each family a 1,200-square-feet (30 x 40 feet) plot, and the required construction blocks. Electricity and road facilities already existed here.³⁷

Despite these measures, the area allocated for camps is falling short owing to population growth. In future, more space will be needed even for existing refugee settlements.³⁸

While most of the refugees live in camps, a considerable number now reside in rented accommodation in cities like Muzaffarabad and Rawalpindi. They have not settled in the camps for various reasons, such as marriage with local families, mostly among their own relatives who had migrated to AJK earlier. The number of such families stands at present at approximately 720.³⁹

It is significant to note that the two groups of refugees – camp residents and city residents – have different perspectives on their problems

³⁵ *Ibid*

³⁶ Interview: Yousaf Naseem, May 10, 2002

³⁷ These facts were provided by the Department of Rehabilitation, 15 Sep 2005.

³⁸ *Op. cit.* Interview: Muhammad Munee

³⁹ *Ibid.*

Kashmiri Refugees: Facts, Issues and the Future Ahead

and future. Before discussing their problems, however, let us take a brief look at the administrative setup for the look-after of refugees.

The Government of AJK has been striving to resolve the refugees' problems since its own inception in 1947. Until 1974, refugees' care was the responsibility of the Divisional Commissioner, delegated to him as an additional charge. In 1974, a separate office was set up for the Department. However, the Commissioner's additional charge was delegated to a senior official of the Finance Department. Finally, when the current phase of the Freedom Movement began in held Kashmir in 1988–89 and an influx of refugees was anticipated, a full-time Rehabilitation Commissioner was appointed.⁴⁰

Following an established procedure, the Department of Rehabilitation and Relief registers refugees upon their arrival and later issues them an "Refugee Card." On the basis of this card, the Government starts providing them a subsistence allowance, admission in educational institutions and medical aid.⁴¹ The Government of AJK currently gives the Department a monthly budget of Rs. 30 million to be spent on subsistence allowances and other refugee matters.⁴²

Overall, this system of refugees' care has proved to be fairly effective. At the very least, it provides temporary assistance in the rehabilitation of refugees and ensures that they are not left utterly helpless. It also enables them to take care of their families' immediate needs. In comparison with the problems associated with migration, the assistance and facilities provided to refugees does appear little; however, as they gradually get fully rehabilitated — especially once they acquire their own shelter — this assistance is quite reasonable.

The Issues Confronting Refugees

Registration and Citizenship

As discussed earlier, a large majority of refugees have entered Azad Kashmir by crossing the LoC. After investigation by the state agencies, they are sent to the camps, where the relevant department registers their names and issues them refugee cards. In the camps, they are provided basic amenities. On the basis of these cards, they become entitled to stay in Azad Kashmir and their children get free education in any institution there.

In principle, however, the citizens of Jammu and Kashmir, being 'State subjects,' are legally entitled to get identity cards after completion of their five-year stay in Azad Kashmir. However, the Government of AJK was not ready to providing them identity cards and other travel documents at

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

first. This created unrest and mistrust, besides increasing practical difficulties for the refugees. The situation continued for several years, until the AJK High Court gave its verdict on a petition moved in this regard. The Court, in its verdict issued on March 16, 2001, declared:

- If a person proves that he is 'State subject' of Jammu and Kashmir, he becomes entitled to obtain the right of state subject. The District Magistrate has, therefore, no discretionary power to reject his application for the status of state subject.
- Such a person does not require NOC [No Objection Certificate] from the Kashmir Council.
- A state subject can reside anywhere in Azad Kashmir and is also entitled to obtain identity card.⁴³

The Government of Azad Kashmir initially challenged the decision in the Supreme Court of Azad Kashmir. Later, as a result of continued political and public pressure, it withdrew the appeal on January 16, 2003. The decision helped refugees to finally acquire proper legal documentation. It remains a hard fact, however, that the refugees had to wait almost 13 years, facing immense difficulties, before they could get proper citizenship rights in AJK.

Health-related Issues

As the refugees cross the LoC and enter Azad Kashmir, many of them are in a precarious health condition due to frostbite and similar ailments. Several of them lose their limbs to mines. Others are injured by falling from the rocky mountains or by Indian firing. Since the journey from Indian-held Jammu and Kashmir to AJK can take a number of weeks, during which the refugees do not have access to proper food and water, many fall prey first to malnutrition and, subsequently, as their immune systems weaken, to a host of other common diseases.

Women's problems are even worse, particularly, when pregnant women give birth or suffer miscarriages during the arduous journey. In both situations, excessive blood loss results in anemia. Terror of the Indian Army pervades the journey and sometimes causes women, children and the elderly to succumb to psychological disorders: many recover after they arrive in camps, but there is a significant proportion that does not regain its mental balance. Some of the refugees have undergone extreme physical and mental torture at the hands of the Indian Army, either before they migrated or during the journey. Such experiences inflict not only severe physical damage but also cause some refugees to lose their sanity.⁴⁴

⁴³ For details, see PLD 2001, AJK, writ petition No. 446/2000, p. 33.

⁴⁴ Interview: Dr. Mohammad Iqbal, Chairman, Human Foundation, April 20, 2001.

Kashmiri Refugees: Facts, Issues and the Future Ahead

The refugees' psychological problems do not end when they arrive at camps; in fact, it has been observed that there is a significant increase in these problems. In particular, those whose loved ones have been killed or who have become disabled by the Indians' torture feel extremely isolated. Many people are under severe financial pressure but their dignity prevents them from asking for help.⁴⁵

The sentiment of vengeance against the Indian Army is widespread. A widow in Mank Pehyan Camp vowed that since the Indians had martyred her husband she would certainly take revenge. When she was asked how she would do that, she said the three-year-old boy she was raising was the son of a *mujahid* and he would grow up a *mujahid*: "I will not let my husband's death be in vain," she declared.⁴⁶

Women subjected to rape are particularly leading the most tortured lives. Many are mentally imbalanced. They often face humiliation even at the hands of their own family members. They no longer possess the respect they once had in their homes and feel ashamed to freely interact with even the members of their families.⁴⁷

Many young men and women suffer from insomnia, nervous stress and depression, but they avoid going to hospitals on account of fear of being labeled as mentally disordered. Instead, they use medicines for sleep or to relieve pain, which only exacerbate their predicament.⁴⁸

Unhygienic conditions in camps also cause some health problems. Children, women and the elderly often suffer from stomach disorders.⁴⁹ According to a survey by the Human Foundation, rash is so pervasive that it is unlikely for even a single refugee to escape from it. In addition, anemia, respiratory diseases, and typhoid are common ailments.⁵⁰

Regarding public and non-government medical facilities available to refugees, each AJK district has a public hospital that is responsible for providing free treatment to refugees, in addition to the local people. In Muzaffarabad, Bagh, and Kotli, where large refugee populations reside, public hospitals do treat refugees. However, many camps are situated outside cities, which make it difficult for refugees to reach the public hospitals. It is also a fact that public hospitals are too resource-constrained to even meet local needs fully, let alone capable of bearing the additional burden of refugees.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Interview: Dr. Khawaja Manzoor, Deputy Superintendent, Combined Military Hospital (Muzaffarabad: May 18, 2001).

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

Employment Problems

Refugees who have local contacts, relatives or friends living in Azad Kashmir or some other parts of Pakistan are financially better off, doing their own work or engaged in some business with their local supporters.⁵¹ For others, however, it is extremely difficult to find appropriate employment, especially for the educated refugees, who seek better positions commensurate with their qualifications. In contrast, unskilled people are ready to take on any kind of work. Likewise, individuals who were financially well off or engaged in business prior to migration are not interested in odd jobs or services, but seek work of the same "status."⁵²

Initially, when refugees did not have complete legal rights, they were not eligible for government jobs. However, the Government announced a 6-percent job quota in AJK for refugees who arrived after 1990. This was part of the overall 25 percent quota reserved for Kashmiri refugees living in Pakistan. The Federal Government has also decided to establish a 2-percent quota for Kashmiri refugees.⁵³

The refugees include a class of skilled craftsmen. Unfortunately, no systematic program was launched at any level to utilize their skills; had this been done, on the one hand, the refugees would have been provided a respectable means of living, and on the other, their handicrafts would have attracted national and international tourists. In addition to other problems, the absence of such a program is clearly a source of frustration and distress among the craftsmen.

The amount of frustration and the level of distress, however, vary from individual to individual. In spite of sharing the same legal position, each individual and family has a different history and background on the basis of which their attitudes vary. Those who have served jail terms in Indian-occupied Kashmir, or faced torture, or those whose loved ones were martyred or imprisoned suffer from greater psychological stress. There is a marked difference in their social attitudes and interaction with other people. Similarly, individuals who were associated with political organizations and were imprisoned for this have quite different attitudes and mannerisms. A distinct emotional pattern and lifestyle is evident among those who were arrested and tortured for no rhyme or reason.⁵⁴

Educational Situation

The AJK Government established no school at the refugee camps; there are, however, public educational institutions in the vicinity of each camp, where free educational facilities are available to the refugees' children. In addition, the Government encourages private institutions to provide

⁵¹ Interview: Ghulam Mohammad Safi, then leader APHC, Azad Kashmir Chapter, December 8, 2001.

⁵² Interview: Maqbool Pundit, an refugee from the Kashmir Valley currently residing in Rawalpindi, April 25, 2002.

⁵³ *Ibid.*

⁵⁴ Interview: Zulfiqar Ali, BBC Radio, London, May 18, 2001.

education at the camps.⁵⁵ Several NGOs are operating schools at the camps, providing free education to the children. The Government of AJK has also declared primary education mandatory for refugees' children, and offers a monthly stipend of Rs.100 to each school-going girl and boy, while providing all other services for free. Teachers have also been instructed to persuade all parents to send their children to school.⁵⁶

In general, refugees are quite anxious for their children's religious education; each camp has a mosque and *madrassa* to help the children learn to recite or memorize the Holy Qur'an and also get basic religious education. Some families have enrolled their children at better known and bigger *madaris* in cities like Muzaffarabad, Rawalpindi, Bagh and Kotli. The Government provides a monthly stipend of Rs. 150 to children memorizing the Qur'an.⁵⁷

The refugees generally feel that the migration has provided them an opportunity to improve the future of their younger generation. They are, therefore, more sensitive about their children's educational needs, and 90 percent of their children go to school. However, families from the mountainous and rural areas feel somewhat hesitant with regard to girls' education.⁵⁸

The families who are relatively better off have enrolled their children in private educational institutions. A handful of refugee youths, male and female, are also currently attending the Muzaffarabad University and Degree Colleges, as well as other higher education institutions.⁵⁹

Social Dimension

Initial Exposure and Interaction: While refugee camps are situated away from cities, some local settlements do exist in their vicinity. Refugees' relations with these settlements, though not extremely warm, are smooth.

Although they do not feel any conflict related to language, religion or cultural values, refugees are taken aback by the freedom, economic comfort and human resource development in Azad Kashmir. Since most refugees hail from the districts bordering LoC, they arrive with very little idea of the rapid development that has taken place in the rest of the world, especially of the miracles achieved in communications and information technology. Refugees who hail from cities are aware of such global

⁵⁵ Interview: Mahmood Ahmad, Chairman, Read Foundation, March 15, 2001. Read Foundation is the largest educational NGO in Azad Kashmir. The Foundation has established 17 schools at refugee camps, where approximately 3,133 refugee children are acquiring education. These figures are as of September 2005.

⁵⁶ Information provided by the Department Rehabilitation and Relief.

⁵⁷ *Ibid.*

⁵⁸ *Op. cit.* Mahmood Ahmad.

⁵⁹ *Ibid.*

developments and changes, but even they are pleasantly surprised by the changes and developments that have occurred in AJK.⁶⁰

In 1947, the area currently comprising Azad Kashmir was known to be inhabited by tribal, uncivilized and warlike people. It had only a few kilometers of metalled road. When refugees landed with this perspective in present-day Azad Kashmir, they were astounded: they had never expected that every village, every neighborhood, even settlements on mountain peaks would have access to road, electricity, water, telephone and basic health facilities. Since Partition, the development process has made life much easier for the local people. In terms of peace and security and protection of basic human rights, the situation in Azad Kashmir is quite satisfactory. Coming from bondage, refugees find an even greater contrast in the freedom.⁶¹

New Family Ties: Owing to centuries old bondage it is very rare that a family in held Kashmir is not directly or indirectly related to someone residing in Azad Kashmir or in other parts of Pakistan. Literally hundreds of thousands of Kashmiri families are settled in Rawalpindi, Gujranwala, Sialkot, Jhang, and Lahore. Upon refugees' arrival, these relations were renewed with interaction, and further strengthened through intermarriages. A number of other Pakistani families, besides extending human and material support, have established relations with the refugees. This love and brotherhood shown by Pakistani society to refugees has also had a salutary effect.⁶²

Another reason for intermarriages between refugees and local people is that when local people wed their daughters to refugee youth, they are spared of the need to give dowry, while the youth attain legal protection. Once they attain legal protection, new employment opportunities open up for them. The corollary to this is that refugee families rarely wed their daughters to local men, mainly because they are unable to provide the customary heavy dowry.⁶³

Relations between refugee and local families have also led to a few problems. Local people complain that their daughters are not treated well by refugee families; in fact, they are often beaten. If an attempt is made to stop or argue with their husbands, they threaten to divorce or return to held Kashmir.⁶⁴ There are also cases where the youths disappeared after marrying local girls. Upon investigation, it was found that they had crossed the LoC and returned to Held Kashmir.⁶⁵

⁶⁰ *Op. cit.* Dr. Khawaja Manzoor.

⁶¹ *Op. cit.* Ghulam Mohammad Safi.

⁶² *Op. cit.* Chaudhry Ghulam Mustafa.

⁶³ *Op. cit.* Raja Hazar.

⁶⁴ *Op.cit.* Ghulam Muhammad Safi.

⁶⁵ op.cit. Chaudhry Ghulam Mustafa.

There is also a trend of early marriage. One reason cited for this is the financial assistance provided to the couple to bear the cost of the marriage ceremonies and dowry ('Shaadi Package') by some relief organizations, and the additional monthly allowance of Rs. 750 given by the AJK Government for each new child born. However, refugees claim that they do not conduct early marriages for financial benefit, but owing to their centuries-old traditions.⁶⁶

The Government institutions and NGOs are making efforts to cover the refugees under the family planning program so that the birth rate can be reduced. Against this backdrop, the Rehabilitation Department decided that, after December 2001, the monthly allowance for children would not be provided for the third- and subsequent births.⁶⁷ Nevertheless, refugees' response to the family planning programs remains lukewarm.

Cracks in the Family Unit: Traditionally the refugees had a strong family unit before they migrated. Ownership of the house, the land and estate used to remain with the father or head of the family. This ensured that he had a decisive role in dealing with any disputes in the family. After migration, this system is gradually breaking up. The women, children, youth and the elderly in the family now have the same status, as no one owns a house, land or estate in the land of refuge. Moreover, the Government has set monthly allowances on a per-head basis, which means the income of each family member is practically the same. The control of the family head is weakening, with children and women demanding their own share. The elderly complain that family-members are no longer as obedient as they used to be.⁶⁸

Lack of privacy is another important aspect related to the increasing social problems. Most of the families in Indian-held Kashmir used to build their houses on their own land, which were often situated quite at a distance from other houses. So it was very rare for people to interfere in anyone's private life. Likewise, the chances of mixed gatherings only arose on the occasions of celebrations or mourning. Now, the situation is completely different. Since houses in camps are built side by side and are not equipped with all the basic facilities, eavesdropping and interference in family matters have become a common occurrence, which has led to discord and disputes among the families.

The pre-migration joint family system is also undergoing changes. Among camp residents in Azad Kashmir, a couple moves into its own home right after marriage. Parents not only permit this arrangement but encourage it. This is primarily because the Government and NGOs provide assistance to refugees on a per family basis; if all family members remain in the same household, their share of assistance becomes considerably lower; moreover the houses are so small that it is difficult for a large family

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

to live in them, and refugees surmise that whenever the Government conducts a program for their permanent settlement, the chances are that land will be allotted on a per household basis.

Ethno-linguistic divisions: The refugees are comprised of two groups: one that speaks Pahaarhi (which is the local language in Azad Kashmir), and one that can only speak Kashmiri. It is estimated that, among refugees, almost 75 percent speak Pahaarhi. These people hail from Karan, Machar, Bhodi Numbal, Kurnah and Urhi. Of the rest, 20 percent are Gojri-speakers from the bordering districts of Poonch and Rajauri; and the rest are Kashmiri speaking. Since the Rajas of Kapwara traditionally preferred Pahaarhi over Kashmiri, the people from this district are at home with the local culture and language in AJK. Likewise, Kashmiri-speaking families from Kapwara are quite familiar with Pahaarhi and do not have any difficulty in communicating with the local people. Parents of schoolchildren from Kapwara prefer their children to learn both the local language and Urdu. Since they use these languages with their own children, it is quite possible that future generations in these households will not remain familiar with Kashmiri.

In contrast, refugees from Baramula only speak Kashmiri in their homes. A large number of women and older men among them cannot speak Urdu. Although they are learning the local language, the speed is very slow. They have an emotional affinity with Kashmiri and want to pass this linguistic heritage to their future generations.⁶⁹

Crime and Conflict: The incidence of serious crime is quite low in refugee camps, a fact confirmed by the administration as well as residents. The low crime rate is generally attributed to the people's peaceful disposition and their tradition of resolving mutual conflicts at the local level. However, the rate of petty crimes and conflicts is reported to be quite high. For instance, tension between various *beradaris* (kinship networks) over distribution of water and relief sometimes turns into violence. Similarly, since very little free space is allotted with each house—or none at all in most camps—fights erupt around sanitation and related matters.⁷⁰

Regionally, the refugees fall into two distinct groups, known as the Baramula Group and the Kapwara Group. Disputes exist on various issues between these two groups as well. Likewise, there are frequent reports of heated arguments between the Lone, Sayyid, Butt and Raja *beradaris* regarding the Kashmiri identity. Sometimes fights break out over issues like theft, annoyance, children's quarrels and female harassment. At times, similar conflicts also take place with the local communities.⁷¹

⁶⁹ *Op. cit.* Feroz Din.

⁷⁰ Interview: Refugee at Kumsar and Ambor Camps.

⁷¹ Interview: Local people in the neighborhood of Ambor and Mank Pehyan camps, Muzaffarabad.

Kashmiri Refugees: Facts, Issues and the Future Ahead

Some camp residents are of the opinion that since the Government is meeting all the refugees' needs without taking any work from them, they are liable to become non-productive. Their children are not used to much study or labor. They have too much leisure time, which is causing the crime rate to rise.⁷² The other view is that since refugees cannot find any employment, the mental burden and tension they feel leads to the higher crime rate prevalent among them. Yet another perspective is that the police and administration do not punish criminals strictly enough for fear of protest against the Government and adverse publicity in the mass media. Thus, most criminals are let off with light punishments, which ultimately leads to a rise in the crime rate.⁷³

To resolve refugees' disputes, Conciliation Committees comprising of refugees have been established at each camp. In addition, the police and Rehabilitation Department also play a role in the resolution of disputes. In reality, however, the committee system has rarely succeeded in finding sustainable and acceptable resolutions of disputes: since the committees' decisions are not backed by the police or Rehabilitation Department, the party that loses its case simply takes it to the police. From that point on, a protracted series of police investigations and court proceedings commences that rarely ends. The police, however, respond promptly to theft, drug marketing and cases of brawls and infighting.⁷⁴

Political Affiliations: Before their arrival from Indian-held Kashmir, the refugees were generally affiliated with some political party or some effective political personality. They were, however, not familiar with the political environment and culture of AJK. Every local political party, whether with the Government or the opposition, repeatedly expressed its sympathies and extended support to them, irrespective of their ideological differences or political affiliations. The refugees are, therefore, generally obliged towards the public, the Government and all political parties in Azad Kashmir. They are aware that if they side with any particular party or group, the other parties might withdraw their assistance. They would rather resolve their problems with the help available from every party and group.⁷⁵ They participate enthusiastically in demonstrations in favor of the Freedom Movement and against India. In fact, each political party tries to ensure the refugees' participation in its pro-freedom/anti-India protest rallies and other programs.⁷⁶

To remain informed of the situation back home, the refugees listen avidly to the news broadcasts of All India Radio, Srinagar Radio and BBC's Urdu Service; Voice of America and Radio Tehran are also quite popular. Radio and televisions are available in 90 percent of homes. Newspapers, magazines and pamphlets are also commonly seen at camps and the

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Op. cit.* Chaudhry Ghulam Mustafa.

⁷⁵ *Ibid*

⁷⁶ *Ibid.*

schools situated there. These are read with interest and the reports discussed. This suggests that refugees keep themselves well-informed of current affairs, particularly of the situation in Kashmir.⁷⁷

Old Linkages: Historically, families from Indian-held Kashmir do not have a tradition of migration for employment or 'a better future.' These people have a profound affinity with their land and culture. This is why camp residents, especially the women and the elderly, seem to remain emotionally disturbed by the separation from their families and relatives back home and by the memories of their land, which makes it more difficult for them to adjust to their new surroundings.

Then there is a considerable number of refugees who have come alone, leaving their families behind. These people are much more lonely and despondent. They naturally crave to reunite with their loved ones, or at least to visit them, but this desire is extremely difficult to fulfill due to the barrier posed by the LoC.

Before 1990, the Indian and Pakistani armies generally did not discourage interaction or meetings between the people settled across the LoC. On both sides of the LoC, where the river is relatively narrow, members of the divided families would stand on the banks and exchange greetings. Such sights were commonly seen at times of family celebration or grief. However, after 1990, the situation changed completely and this phenomenon ended.⁷⁸ The launch of the Srinagar-Muzaffarabad Bus Service in 2005 has offered some respite, even though travel is very restricted due to the cumbersome procedures entailed and the fact that the bus runs only twice a month, with only 30 passengers on board.

The Future Ahead

Refugees' Legal Status

Since 1990, migration has taken place both within Indian-held Jammu and Kashmir, and from Indian-held Jammu and Kashmir to AJK. During the last 15 years, these refugees have neither been assisted by the United Nations, nor have any special efforts been made to attract international attention for their relief. In this regard, when the position of the concerned institutions is analyzed, the following reasons emerge:

- From the legal perspective, as the Kashmiris have moved from one part of the State (Indian-held) to another (Azad Kashmir), they are technically not refugees but "displaced persons."
- To accept them as refugees would mean that the division of Jammu and Kashmir has been accepted as real and permanent.

⁷⁷ Interview: Refugees.

⁷⁸ Daily Jang (Rawalpindi/Islamabad: January 24, 2001).

Kashmiri Refugees: Facts, Issues and the Future Ahead

- The Government of Pakistan has submitted no formal request to the UNHCR to tackle the refugees' issue, and such a request is beyond the parameters of the AJK Government.⁷⁹
- The Government of Pakistan would not like any intervention by the international body in the refugees' relief, as this would pave the way for direct interventions by meddling institutions in the ongoing struggle. While this may yield some political benefits, it would also have a negative impact on the armed resistance aspects of the movement.⁸⁰

The Kashmiri refugees, the AJK administration and several political parties, however, are of the view that UNHCR should be invited to assist the Kashmiri refugees. They expect that this would provide much-needed larger-scale financial assistance to meet refugees' long-term needs, like the construction of their permanent settlement. They also believe that, in this way, there is a possibility that the refugees may be able to stay or settle in other countries on the basis of the UN's travel documents. Moreover, such assistance would highlight the Kashmir issue at the international level.⁸¹

Upon consideration, the arguments from both sides carry some weight. One way of resolving this issue may be to project the refugees as displaced persons at the international fora. This would help protect their legal status while taking the Kashmir issue forward, and also create opportunities for international aid. The world community should be persuaded that the Pakistani Government alone cannot bear such a lingering and heavy financial burden and should be provided assistance. If the UNHCR agrees to assist the Kashmiris, it would reduce the burden on the Government of Pakistan and bring about a vital improvement in the socioeconomic condition of the refugees.

The Pakistan Government should not only safeguard the refugees' Right of Return accorded by the UN, it should also strive, with the help of international institutions, to create an atmosphere that makes it possible for them to return to their ancestral lands. Human rights organizations and the world community should constantly be approached in this regard. Moreover, after appropriate homework, the Government should go a step

⁷⁹ In March 1949, the governments of Pakistan and Azad Kashmir reached an agreement under which all matters pertaining to the aid and rehabilitation of refugees were transferred to the purview of the Government of Pakistan. Thus, according to this agreement, the AJK Government cannot approach the UNHCR of its own accord (see http://www.jammu-kashmir.com/shabir/shabir_1949_03_1.htm).

⁸⁰ A shift in the scenario was perceived when, on February 21, 2002, the Federal Minister for Kashmir and Northern Areas Affairs Abbas Sarfraz met the Executive Director of the United Nation's World Food Programme (WFP) Catherine Brunty and requested, for the first time, that assistance be provided to meet the Kashmiri refugees' food and other needs. The Executive Director WFP promised to arrange a survey to assess the refugees' needs. Subsequently, however, there was no follow-up in this regard from any side.

⁸¹ *Op. cit.* Yousuf Naseem.

further and consider granting the Right of Return to those who left Azad Kashmir in 1947 for Indian-held Jammu and Kashmir.⁸²

On the basis of the resolutions passed by the Organization of Islamic Conference (OIC), appeals should be addressed to friendly countries for financial assistance for the refugees.

A Sustainable Solution

What should be the final solution for refugees' problems? For this, the Government will need to adopt a clear vision and an integrated policy, keeping in view past experiments in settling refugees. A coherent and comprehensive strategy is required to ensure refugees' rights and welfare keeping in view the fact that as long as human rights' violations persist in held Kashmir, the refugees will continue to pour in. Steps therefore need to be taken at the national level, in the political as well as diplomatic fields, besides a relief and rehabilitation program. An international lobby for human rights should be developed to increase pressure on the Indian Government to stop committing repression and human rights' abuse against innocent civilians.

Currently, the Government is spending 13.5 million rupees on refugees' monthly subsistence allowances alone, and this arrangement has been in place since 1990. To simultaneously attain all objectives – that is, protecting the future while alleviating the Government's financial burden⁸³ – the Government should consider making one-time payments to refugees and initiate a phased program to end the subsistence allowance. For instance, skill development projects can be initiated at each camp to impart different skills, and opportunities for utilizing those skills created within the camps. The trained individuals should be paid an appropriate sum and taken off the subsistence allowance list. Women's skill development programs should also be launched so that they can better utilize their time and capabilities. The women who acquire any skills should be provided special financial assistance or employment to attract other women and infuse within them the desire to work.

Farming is another area to focus on. The Kashmiri people are basically tough and hardworking, and farming is their ancestral vocation. They could be provided the currently unutilized Government-owned land for

⁸² To put this into practice, the permanent allotment of estates of people who had to leave Azad Kashmir in 1947 can be cancelled, and their current owners offered the properties on lease or rent, so that when the real owners return, their estates can be returned to them. Although there are certainly hurdles in implementing this proposal, in reality, it would bridge the current distance between residents of the State of Jammu and Kashmir, and it would also be an effective political initiative in the current scenario that would not only capture international attention but also spark off positive debate and discussion within Kashmir itself.

⁸³ It should be borne in mind that several refugee representatives have said that the subsistence allowance corrodes their self-esteem and they feel they have become a financial burden on society and the Government.

their settlement. This would give them employment and occupation, while making the unutilized lands productive.

Cottage industries can also be set up in the vicinity of camps where refugees can acquire skills and attain economic self-reliance.

The Relief System

Communication and coordination between the different agencies and organizations working for the relief of refugees is very poor. Sometimes the methodology of these organizations is also kept confidential in the name of sensitivities involved in the Kashmir issue. For these reasons, aid efforts tend to overlap. The lack of coordination also leads to lack of continuity in aid. Sometimes, a fair amount of money and consumer goods are distributed by NGOs, but then there is no aid work for several months.

A common complaint is that many NGOs are not well-organized, systematic or transparent. Another important concern is that the NGOs' aid efforts are temporary, which fulfill immediate needs but do not help to resolve long-term needs. Similarly, at times, aid is suddenly provided to a camp where it is not needed, while the camp where it is needed the most remains neglected. There is no institution to organize these efforts.

Of the funds provided to the Rehabilitation Department, 90 percent are spent on monthly subsistence allowances and the rest on the Department's own operational expenditure. The Department is, therefore, unable to set up any durable projects for the refugees' welfare. At the national and global level, no aid agency or NGO is providing funds to the Department for assisting the refugees. The Department itself does not have a clear strategy for the future, but limits itself to implementing the day-to-day directives of the AJK Government.

In such a situation, the Government needs to establish a Coordination Secretariat, equipped with the necessary information and statistics, to avoid duplication of effort and guide the organizations and agencies desirous of providing aid. The Secretariat should be made responsible for preparing long-term programmes for the refugees' continued welfare and to procure funds for these programmes. It should ensure that aid efforts for the refugees are organized scientifically. It must also oversee that the purpose of aid is to meet the refugees' temporary as well as long-term needs, and to equip them with skills to become active members of the society. Additionally, it should arrange for mutual coordination between NGOs and for a balanced focus on education, health, hygiene and other social and economic needs.

Since the camps have been established in very limited space, epidemics spread quickly. Camps need to be allotted as much open space as possible, and the construction of more spacious dwellings should be encouraged. Moreover, settlements should be planned in a manner that safeguards refugees' privacy needs. In addition the following facilities and assistance should be provided:

Policy Perspectives

- Access to clean drinking water and public toilets and bathrooms;
- The services of psychiatrists and psychotherapy facilities, either at the level of camps or at selected venues for the treatment of trauma and depression cases;
- Training of a few men and women at each refugee camp in first aid and basic medical care to enable them to play their role in tackling epidemics and emergencies;
- Camp-based dispensaries, stocked with life-saving drugs and staffed by a male and female doctor, as well as an ambulance for emergencies;
- Health awareness programs, particularly for women, in order to check the incidence of maternal mortality during childbirth.

Appendix

List of Interviews and Meetings

In the preparation of this report, the following individuals were interviewed:

1. Chaudhry Feroz Deen, President, Amboor Camp, Muzaffarabad
2. Chaudhry Ghulam Mustafa, former Commissioner, Department of Rehabilitation and Relief, AJK
3. Dr. Khawaja Manzoor, Deputy Medical Superintendent, Combined Military Hospital, Muzaffarabad
4. Faculty of Al-Noor School, Muzaffarabad
5. Faculty of Read Foundation's Middle School at Mank Pehyan, Muzaffarabad
6. Haneef Hyderi, President, Jammu-o-Kashmir Refugee Welfare Organization, Muzaffarabad
7. Jameel Ahmed Mirza, Secretary Information, Jammu & Kashmir Refugee Welfare Organization
8. Javaid Gillani, Secretary, Al-Mustafa Society, an NGO that runs a hospital in Muzaffarabad for refugees.
9. Muneer Ahmad, Officer Incharge, Department of Rehabilitation and Relief, AJK
10. Raja Izhar Khan, President, Kamsar Camp, Muzaffarabad
11. Rasheed Malik, Bureau Chief, *Daily Nation*, Islamabad
12. Sami Ahmad Tahir, Welfare Officer, Department of Rehabilitation and Relief, AJK
13. Syed Arif Bihar, Columnist, weekly *Akhbar-e-Jehan*, Karachi
14. Tariq Naqash, Bureau Chief, *daily Dawn*, Muzaffarabad
15. Zulfiqar Ali, BBC Correspondent, Muzaffarabad

For background interviews, thoughts were exchanged with the following individuals:

1. Abbas Sarfraz, Federal Minister, Kashmir and Northern Areas Affairs (1999-2002)
2. Dr. Mohammad Iqbal, Chairman, Human Foundation, Muzaffarabad
3. Fazlur Rahman, Director, Relief Organization for Kashmiri Muslims, 2001
4. Ghulam Mohammad Safi, Leader, APHC, Rawalpindi
5. Khwaja Abdul Ghani Lone (Late), Chairman, People's Conference, Held Jammu and Kashmir
6. Maqbool Ahmad Pundit, Refugee leader, held Kashmir, currently resides in Rawalpindi
7. Mahmood Ahmad, Chairman, Read Foundation, Islamabad
8. Saadullah Tanatray, President, Freedom Party, Jammu
9. Sharif Qureshi, Head Relief Organization for Kashmiri Muslims, Azad Kashmir Chapter
10. Syed Yousuf Naseem, Leader, All Parties Hurriyat Conference (APHC), Rawalpindi
11. Vid Bhasin, Editor, Kashmir Times, Jammu.